

Docket No.: 1510.1001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Matthew A. Parker

Serial No. 09/873,300

Group Art Unit: 3626

Confirmation No. 5700

Filed: June 5, 2001

Examiner: Martin A. Gottschalk

For: METHOD OF PROVIDING AN ELECTIVE ORGANIZATION PROVIDING PREMIUM
HEALTH SERVICES FOR MEMBERS OF THE ORGANIZATION

RULE 131 DECLARATION

I, Matthew Parker, the inventor for the above-referenced application, declare as follows:

1. Prior to February 19, 2001, I conceived in the United States a method invention related to providing health services for members of an organization.
2. Said invention relates to, among other things, associating a plurality of doctors in various locations with the organization, the associated doctors being selected by the organization based on each doctor's respective credentials, charging a membership fee to allow a plurality of members to belong to the organization, the members being permitted to seek any number of visits with any of the associated doctors in any of the various locations, wherein the organization does not provide primary health insurance, but provides additional medical care regardless of any health insurance a member may already possess.
3. More than one year prior to filing the above-referenced application I had tried a pre-paid practice at my own office, which type of pre-paid practice had been tried previously by others. That is, for a flat fee and a monthly variable fee, certain medical care would be provided to a patient at our offices. Attached as Exhibit A is a copy of a brochure describing such a practice. However, the combination of steps set out in paragraph 2 above, i.e. forming the association of selected doctors in various locations, allowing members to visit the association of selected doctors in the various locations, without the need for traditional insurance payments, etc., was not, to my knowledge, known or used by others more than one year prior to the filing of the application.
4. On April 5, 2000, I met with my patent attorneys, the law firm of Staas & Halsey, in Washington D.C., to discuss the above-referenced invention.

5. Attached as Exhibit B is a description of my invention which was created prior to February 19, 2001. In this description it is stated:

"...THE BEST CARE AT HOME AND WHEN TRAVELING"... "He immediately accesses his primary physician by telephone or internet, and is referred to a local, distinguished physician...the physician has immediate, secure, on-line access to the patient's medical records. Any physician note with testing results...immediately available to the patient's personal physician."... "offer the best primary care to a select patient group for an annual fee. Patients will receive health care without paperwork, insurance forms or crowded waiting rooms."

"Only those physicians with the best credentials and highest practice standards in the community will be part of the local network."... "eventually links individual practices with the national network of physicians and health care institutions."

"...with a link to experts available by Internet to both Personal Care Associates patients and physicians."...

"...New practices that wish to join the PCA network would be evaluated by established PCA physicians...Major cities, travel hubs and business centers would be the initial new sites for PCA facilities." [page 1]

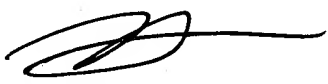
"Once established in multiple locations, and linked by the internet using secure medical record systems, the network of PCA practices would begin to offer the most innovative and desirable health care services available..."

"...The busy top level executive would thus have immediate access to top physicians while traveling. Links to the best doctors and medical institutions via internet as well instant access to all testing, interventions and opinions generated at other practice sites." [page 2]

6. In May, 2000, our patent attorney completed a patentability search and reported the results thereof to me.
7. In October, 2005, I discussed the invention by telephone with my patent attorney and subsequently authorized the preparation of a patent application.
8. On or about April 29, 2001 I received a draft patent application from my patent attorney describing the above-referenced invention.

9. I signed the inventor's Declaration on June 2, 2001 and I understand that my patent application was filed on June 5, 2001 and given Serial No. 09/873,300.
10. No position is taken in this Declaration as to actual reduction to practice of my invention and I reserve the right to prove such actual reduction to practice, when and if necessary.
11. I believe that Exhibit B is evidence of at least conception of the described invention prior to February 19, 2001. It is also believed that the patentability search, telephone communication, and/or preparation of the draft application by April 29, 2001 is evidence of diligence culminating in at least of constructive reduction to practice in the United States, i.e., the filing of the U.S. application on June 5, 2001.
12. The above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date: 8/23/06

By: 
Matthew A. Parker

Personal Care Associates

We are in the process of developing an exciting new medical service. With the intent of returning to a more intimate style of practice, we are creating a personal health care system to provide comprehensive, state-of-the-art primary care to a limited number of patients.

We plan to combine the best of modern, technologically sophisticated medicine with an old-fashioned model of the doctor-patient partnership: one that relies on trust, caring and accessibility. Personal Care Associates recognizes that maintaining close ties with patients is both personally satisfying to us and makes for good medicine. By keeping the practice small, we will greatly improve access to a doctor. We will endeavor to meet these goals: whenever possible, we will come to the phone when you call; you will be seen on the day you request an appointment; waiting times will be minimal and you will never be "double-booked" in the physicians' schedule. Neither you nor the doctor will be rushed. We will spend as much time as we need to address your concerns, answer questions and provide relevant reading materials. Since your fee is pre-paid, you will not need to deal with claim forms, co-payments or deductibles.

Because we believe in preventive care, we will urge you to come in for a yearly comprehensive physical examination. We will focus on the life-style issues that affect your health: diet, exercise, vitamins and other nutritional supplements, stress management, sexuality, the avoidance of cigarettes and excessive alcohol. We will also arrange for you to have those tests and procedures we believe are useful in your particular case for detecting *early* cancers, heart disease, diabetes, osteoporosis and other illnesses.

As has always been true in this practice, you will maintain a primary relationship with one of us. However, we are a group practice and value each other's expertise. In Personal Care Associates, we plan to work together even more closely. You will be encouraged to meet the other physicians in the group and to take advantage of our many different skills and interests.

Services

Personal Care Associates is structured in a unique way, which is simple and easy to use. We charge an annual all-inclusive fee, which covers your yearly physical examination and any additional office care. All routine testing is included. This means that our usual laboratory tests, plus cancer screening, diabetes monitoring, cardiac risk evaluation, EKGs, pap smears, pulmonary function tests, and body fat analyses are all covered. For any services or tests not typically provided in our office, we will arrange for the lab to bill your insurance directly.

We want each patient to have the most thorough check-up possible. Working with your schedule, we will attempt to expedite any subspecialty visits or ancillary testing required. Afterwards, we will send you a detailed, personalized report for your records. Although for the present time, we will be maintaining our regular medical practices, we will dedicate staff and space for this project to accomplish these goals. We expect to be reducing our existing practices as we transfer over to Personal Care Associates.

In the future, we plan to provide all Personal Care patients with access to our private web site and e-mail addresses. We will offer educational materials, reminders and links to other

relevant web sites. Because we hope to create a "small town practice without walls", we intend to use the Internet to bring us closer to our patients and foster a sense of community.

As an alternative to office visits, and for an additional yearly fee, we soon plan to offer specific services at your workplace or home. For patients who live or work within a designated geographic area, a nurse who reports directly to your doctor will perform such procedures as throat cultures, blood drawing, urine tests and assessment of minor acute ailments.

Who We Are

We all began our careers teaching at a local university hospital. We have maintained our academic positions, while in private practice, and continue to participate in educational activities. We have more than 50 years of collective experience practicing in the D.C. area. We have all been consistently listed among The Washingtonian's "Top Doctors" and are regarded as one of the premier Internal Medicine groups in the city.

We have special interests in the following areas: sports medicine, women's health, smoking cessation, patient education, and emergency medicine.

FEES

We will charge a two-part fee.* The first is an annual, up-front fee of \$600. The second is a monthly fee that is initially set at \$60 (for patients new to our Personal Care Associates practice) and between \$40 and \$70 for existing patients, based on our medical assessment. Maintenance fees may be adjusted for new patients after their initial medical assessment, and for existing patients, annually. Although the contract can be canceled on your part at any time, the initial \$600 fee is not refundable. If you pay the entire annual maintenance fee when you sign up for our services, we will discount our charges.

INSURANCE

The Personal Care Associates services are not health insurance and to not replace your existing insurance plan. You will need to use your insurance for specialty care, hospital care, and any other health services you might need. During the course of the year, with one exception, you will receive no bills from us for the care you receive in our offices, nor will you recoup expenses from your insurer for that care. The exception is your annual physical examination, for which we will give you a detailed invoice. Although the cost of the examination is included in the fees you have already paid, you should be able to submit this invoice to your insurance company for reimbursement.

FLEX FUND

Be sure to take advantage of your Flex Fund if one is available to you. We will provide an itemized statement at the end of each year which should allow you to draw on this fund.

* Prices subject to change

PERSONAL CARE ASSOCIATES**COVERED SERVICES**

Under your Personal Care Associates contract, we will provide you your routine care and testing as determined by your primary physician.¹ This comprehensive program includes the following (when appropriate):

- **One complete comprehensive physical examination each year**
- **All routine visits to our office for primary medical care, and any routine hospital visits by your primary physician.**
- **Telephone consultations and primary medical research related to initial diagnosis.**
- **Laboratory testing²**

Blood counts
Chemistry testing; for diabetes, liver tests, kidney tests, thyroid, iron
Cholesterol testing
Urinalysis
PSA testing (Prostate cancer screening)
Pap Smear
Hemoccult cards
HIV screening (if requested)
Routine cultures: including throat cultures and urine cultures
Blood clotting times

- **Office Procedures:**

EKG
Lung function testing
Tuberculosis skin testing

- **Immunizations³**

Tetanus and Diphtheria vaccine
Annual influenza vaccine
Pneumonia vaccine

1. Your primary physician will exercise his or her discretion concerning the advice ability of any particular care or testing. The primary physician will also advise you when any care or testing is not covered as a Covered Medical Service
2. Non-routine testing is not included. Non-routine tests will be billed directly to either your insurance company or to you by the laboratory. Examples of these kinds of tests include specialized genetic testing (such as Tay Sachs, Hemochromatosis etc.), antibody titers and special immunology testing.
3. Other appropriate vaccines will be given at no charge if you obtain the vaccine from your pharmacy plan or we will provide the vaccine to you at our cost and you can submit a claim to your insurance company.

A-4

PERSONAL CARE ASSOCIATES
CONTRACT FOR MEDICAL SERVICES

This contract is between Personal Care Associates, hereafter referred to as "PCA," and _____, hereafter referred to as "Patient." This contract establishes an agreement for PCA to provide certain medical services to the Patient. The terms of this agreement are detailed below:

COVERED MEDICAL SERVICES:

PCA agrees to provide "Covered Medical Services" to the Patient. Covered Medical Services are detailed in Appendix A and include: one annual medical examination, routine follow-up visits, urgent visits and inpatient visits usually provided by our physicians. Routine laboratory tests and office procedures as outlined in Appendix A are included at no additional charge.

At the time of the annual medical examination, the Patient will receive an itemized statement of charges for that particular service. This will be the only bill that the Patient will receive with respect to Covered Medical Services. The Patient may wish to submit this bill to his/her medical insurance company. PCA does not guarantee that the Patient will receive reimbursement for some or all of this bill. This bill may be less than the annual fee.

MEDICAL SERVICES EXCLUDED:

Charges for any tests, procedures or vaccinations not listed in Appendix A are the responsibility of the Patient. PCA will inform Patient of any services not covered by the annual fee before services are provided. Patient will be billed separately by PCA or by the appropriate provider for any services not covered by the annual fee. Services not covered by the annual fee may be submitted to Patient's medical insurance for reimbursement.

The Patient is responsible for the annual fee, payable in one initial non-refundable payment of \$600. This fee is the base charge for the provision of Covered Medical Services by PCA for one year and must be paid annually to be eligible to receive such care from PCA. This annual fee is subject to change from year to year. In addition, there is a monthly maintenance fee that is due the first of each month. The monthly fee is variable and depends on the Patient's individual health assessment. The average fee is \$60 per month but ranges from \$40 to \$70 as determined by PCA in its sole discretion depending upon a number of factors but particularly the individual Patient's health assessment. The fee for established patients is determined by the Patient's previous health assessment. New patients will be charged \$60 per month until they undergo their initial health assessment, and then the fee will be adjusted based upon that assessment.

18-5

PCA reserves the right to change the maintenance fee in subsequent years based on changes in the Patient's health assessment. Failure to pay the maintenance fee for two consecutive months will result in termination of this contract.

- Established Patient: Monthly maintenance fee is \$_____.
- New Patient: Monthly maintenance fee is \$60. (To be adjusted after complete health assessment.)

The Patient can receive a discount on his/her monthly maintenance fee by pre-paying for one year of service by means of:

one payment of _____ at the beginning of the contract, or

two payments of _____, one initially and the second after six months.

This contract is renewable annually with the mutual consent of PCA and the Patient. PCA may change the maintenance fee upon renewal. The Patient may cancel this contract at any time during the year by giving written notice to PCA. In the event of cancellation, the Patient's annual fee is non-refundable. The Patient will be responsible for paying the maintenance fee for the month in which the notice is received. If the Patient has prepaid his/her monthly fees, the Patient will be given a prorated refund for the time left in the contract.

The Patient has read this contract and agrees to the terms specified within.

Signed

Date

Printed

Acknowledged:

Personal Care Associates

Authorized Person

Personal Care Associates



A HEALTH-CARE SYSTEM FOR TOP-LEVEL EXECUTIVES AND OTHERS DESIRING THE BEST CARE AT HOME AND WHEN TRAVELING.

Consider a top banking executive from New York City is on business travel in Los Angeles CA for several days for top-level meetings. He becomes ill and needs to see a physician urgently. What options are currently available? Should he go to an emergency room and wait several hours? Ask a local associate for a referral to a good doctor and then try to get in with short notice? Call his own doctor in New York City and ask for a colleague in Los Angeles? Or simply call off the meetings and return home? None of these are good options because they do not provide top-quality care in a timely fashion.

Consider a new model in executive health care. That same banking executive becomes ill. He immediately accesses his primary physician by telephone or Internet, and is referred to a local, distinguished physician. Rapid access for an office visit or consultation is readily obtained and evaluation and treatment quickly initiated. Medical care is delivered in a private top-quality medical office where the physician has immediate, secure, on-line access to the patient's medical records. Any physician notes or testing results will be entered into the same secure medical record and immediately available to the patient's personal physician. The executive has been treated quickly, has received superb medical care, and all results will be readily available to his own personal physician for follow-up. The time for this level of medical care has arrived.

Personal Care Associates is a new concept in health care delivery, yet it begins with an old-fashioned model of medical practice: provide people with the highest quality, individualized care in a comfortable and accessible setting. The goal in each practice is to offer the best primary care to a select patient group for an annual fee. Patients will receive health care without paperwork, insurance forms or crowded waiting rooms.

Only those physicians with the best credentials and highest practice standards in the community will be part of the local network. Each practice will have access to a computer-based system that facilitates inter-office communication and eventually links individual practices with a national network of physicians and health care institutions.

A single, world-renowned facility like the Mayo Clinic or Johns Hopkins could serve as the tertiary care center with a link to experts available by Internet to both Personal Care Associates patients and physicians.

Each practice would offer the PCA program to existing patients and other patients could be recruited locally. New practices that wish to join the PCA network would be evaluated by established PCA physicians. Quality standards would be established and strictly enforced so that all PCA facilities would provide the highest quality of medical care. Major cities, travel hubs and business centers would be the initial new sites for PCA facilities.

B-①

Once established in multiple locations, and linked by the Internet using secure medical record systems, the network of PCA practices would begin to offer the most innovative and desirable health care services available. If an individual signed up with a PCA physician in his or her city of residence, the annual fee would include outstanding primary care in his or her city of residence as well as the availability of similar top physicians in other areas.

PCA "national/link" would be marketed through a major credit card company, such as American Express, or other upper bracket financial institution. Individual physicians would receive an annual fee if their patient signed up for routine care in their practice. A separate fee would be established for visits to physicians in other cities. The annual fee, collected by the financial institution, would cover these primary care expenses. However, all individuals would need their own regular health insurance for both specialty and inpatient care. The busy top-level executive would thus have immediate access to top physicians while traveling. Links to the best doctors and medical institutions via the Internet as well as instant access to all testing, interventions and opinions generated at other practice sites.

The possibilities to use marketing tools to reach these elite clients, the need for secure medical record systems, and the financial benefit to linking hospitals and facilities is enormous. This type of medical delivery system is a unique and new way of delivering top-quality medical care. We currently have the tools and capability to move forward and make this concept a reality.